IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8507 OF 2004

Mr.Radheshyam Joharilal Karosia
of Thane. .. Petitioner

vs.

Smt.Changunabai Harishchanda Patil
of Thane. .. Respondent

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Shri D.K.Ghaisas and Shri D.V.S.Taloulikar for the petitioner.

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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 26th OCTOBER, 2004.

P.C.

1. Heard the learned advocate for the petitioner. The petitioner challenges the concurrent findings arrived at by the Courts below while dismissing the application filed by the petitioner for direction to the landlord to carry out repairs to the tenanted premises. It was the contention of the learned advocate for the petitioner that such an application was filed by the petitioner-tenant under Section 23 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, as the landlord had refused to carry out repairs to the premises inspite of repeated

requests in that regard by the petitioner-tenant. Plain reading of Section 23 of the said Act discloses that the same does not empower the Court to issue any direction to the landlord to carry out repairs. The tenant is entitled to serve the advocate's notice whenever such repairs are required to be carried out by the landlord, and if the landlord fails to carry out the required repairs inspite of the repeated requests by the tenant to the landlord, the tenant himself can carry out the required repairs. In the circumstances, therefore, rejection of the application by the trial Court and confirmation thereof by the lower appellate Court cannot be found fault with as the petitioner has not been able to point out any provision of law under which such an application is maintainable or that the Court is empowered to issue any direction in the nature which was asked for. Being so, the impugned orders do not disclose any illegality, and therefore, the same do not warrant any interference in writ jurisdiction. The petition is therefore rejected with no order as to costs.